

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

REVISED ACTION AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY

CITY OF HUNTINGTON BEACH

MONDAY, OCTOBER 4, 2004

*****Revised Pages 2,13-14, and 16*****

5:30 P.M. - Room B-8

7:00 P.M. - Council Chambers

Civic Center, 2000 Main Street

Huntington Beach, California 92648

The 5:00 p.m. portion of the meeting will be recessed by the City Clerk to 5:30 p.m. in Room B-8 due to an anticipated lack of quorum.

City Clerk recessed to 5:30 p.m.

5:30 P.M. -Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Sullivan, Coerper, Hardy, Green, Boardman, Cook

Present (Boardman absent)

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

Study Session late communication

Public Comments Regarding 5:30 P.M. Portion of Council Meeting (See Next Page for Study Session Agenda Item)

Speaker spoke regarding moratorium and how it could delay her current construction.

Speaker spoke in support of the moratorium.

Speaker spoke in opposition to moratorium stating his concerns if property owners were not allowed to build a third story – how it would affect property values.

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.surfcity-hb.org>

Revised – Added PowerPoint Info and Closed Session Item**(City Council) Study Session – Presentation on Proposed Moratorium on Construction of Single Family, Three-Story Homes and Additions** (440.10)

The Planning Department will make a presentation regarding a proposed moratorium on construction of single family, three-story homes. **(See Agenda Item G-1a regarding Emergency Interim Ordinance No. 3683.)**

- **PowerPoint presentation titled *History of 3rd Stories* was submitted as a Late Communication and is included in the agenda packet.
Planning Director Howard Zelefsky presented Power Point. Staff responded to Council inquiries regarding Specific Plans, building height, and the proposed interim ordinance.

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following item:
Approved 5 – 0

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its City Attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is Opp v. City of Huntington Beach, Court of Appeals, Fourth Appellate District, Division 3, Case No. G025947 (Opp I) and Opp v. City of Huntington Beach, et al; al.; Orange County Superior Court Case No. 748927, Court of Appeals Case No. G030601 (Opp II). Subject: **Opp v. City of Huntington Beach, et al.** (Opp 1 and Opp 2). (120.80)

- **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representative : Agency Negotiator: Penelope Culbreth-Graft, City Administrator to consider personnel matters. Subject: **Compensation of Chief of Police.** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

None

Roll Call Sullivan, Coerper, Hardy, Green, Boardman, Cook
Present

Pledge of Allegiance/Flag Salute – To be led by the Mayor

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

Invocation – To be determined by the Mayor – ***Reverend Jon Waterson, Community United Methodist Church***

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

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D-1, D-2, F-1, and F-2.

Presentation - Mayor Cathy Green to call on Economic Development Director David Biggs, Library Literacy Board member Dionne Cox, Project Self Sufficiency Director Susan Edwards, Community Services Recreation Supervisor Janeen Laudenback, Richard Morley and Al Guidotti from the Community Health Care Center to join her in thanking Wells Fargo for their generous donations to four different community projects. Armando de la Libertad from Wells Fargo Community Development will accept the commendation. (160.40)

None made.

B. PUBLIC COMMENTS

This is the time of the meeting for the Council to receive comments from the public regarding **items of interest or agenda items OTHER than Public Hearings.**

Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council. Councilmembers strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

**3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendaized.**

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium.

PUBLIC COMMENTS:

Speaker spoke regarding the Howard Jarvis tax refund process and future revenue generating issues.

Speaker spoke in opposition to the Verizon item, urging the Council to deny Design Review No. 04-18 and enable citizens to participate in the design of the boxes.

Speaker spoke in support of Verizon's Design Review No. 04-18, stating that the boxes are needed to connect the fiber optics and citing the advantages of fiber optics.

Speaker informed Council of the Union Pacific Railroad moving forward with remote controlled operations in the city.

Speaker spoke in opposition to the Verizon boxes, stating the opinion they would be underground with minimal negative impact.

Speaker informed Council regarding the Long Beach Airport plans which would affect the quality of life.

Speaker informed Council of the purpose of the Greater Interfaith Council.

Speaker spoke regarding health and safety issues in his neighborhood.

Speaker spoke in opposition to the proposed third story moratorium, stating that the city has a procedure in place that is adequate.

Speaker rebutted the Coca-Cola company's alleged human rights abuses.

Speaker spoke regarding the upcoming election, clean water and wetlands.

Speaker spoke regarding through-lots and vegetation encroaching on public walkways.

C-1. Council Committee/Council Liaison Reports
None

C-2. City Administrator's Reports
None

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing to Consider Approval of Zoning Text Amendment (ZTA) No. 03-01 (Through Lot Development Standards) Amending Chapters 203, 210 and 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Relating to Definitions and Fencing and Yards - Approve Introduction of Ordinance No. 3685 (450.20)

Applicant: City of Huntington Beach

Request: To amend Chapters 203, (210 introduced in an alternative Ordinance – see agenda packet) and 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to regulate the placement of fencing, landscaping, and accessory structures within the rear and street side yards of through-lots. A through lot is defined as having frontages on two parallel streets. The proposed amendments are generally intended to prohibit fences and structures of any height on slopes and rear portions of through lots, require the sloped portion of a through lot to be fully landscaped and require fencing on a through lot to be located at top of grade, including fencing within an exterior side yard.

Location: Citywide

Environmental Status: Notice is hereby given that this Agenda Item is categorically exempt from the provisions of the California Environmental Quality Act.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on (Thursday before meeting) September 30, 2004.

ALL INTERESTED PERSONS are invited to attend said meeting and express opinions or submit evidence for or against the application as outlined above. If there are any further questions please call the Planning Department at 536-5271 and refer to the above item. Direct your written communications to the City Clerk

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

****Communication submitted by Mike Palikan in support of Staff's recommendation of ZTA 03-01 and a petition addressed to the Planning Commission dated July 15, 2004 from Gilbert Island Through Lot Property Owners; communication submitted by Darrach G. Taylor in support of Staff's and Planning Commission's recommendations; communication from Jack Croshwait to Council dated October 4, 2004 includes a petition; communication submitted by Shawn Hollub and by the Salem Family are included in the agenda packet.**

Recommended Action: Motion to:

Planning Commission and Staff Recommendation:

- ~~1. Approve Zoning Text Amendment No. 03-01 with Findings for Approval (Attachment No. 1);~~

and

- ~~2 After City Clerk reads by title, approve for introduction by roll call vote, **Ordinance No. 3685** – "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Sections 203.06 and 230.88 thereof Relating to Definitions and Fencing and Yards." (Attachment No. 2).~~

Councilmember Sullivan recused himself since his house is a through-lot. Associate Planner Paul Da Veiga presented Power Point report. Staff responded to Council inquiries regarding frontage, CUP process, notification, fence height, condition of sidewalks, and conditions of block walls.

Speakers spoke in support of proposed Zoning Text Amendment (ZTA) and ordinance regarding maintenance of walls, landscaping, and undeveloped slopes.

Speakers spoke in opposition to proposed Zoning Text Amendment (ZTA) and ordinance regarding increase in CUP application cost, slope fencing, property rights, slope erosion, restricting development by property owners, decreased property values, and diversity of the affected through-lot neighborhoods.

Staff responded to Council inquiries regarding real estate documents and how they address double frontage, CC and R's, retaining walls and Planning Commission vs. Zoning Administrator hearings.

Motion to direct staff to return to Council at the November 15, 2004 Council meeting to define the guidelines of what a wall could look like on a through-lot, starting CUP at Planning Commission level, notification process, and primary and secondary frontage definitions.

Approved 5 – 0 – 1 (Sullivan abstained)

D-2. (City Council) Public Hearing to Consider Approval of Zoning Text Amendment (ZTA) No. 01-03 (Mobile Home Park Conversions) Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Relating to Relocation Benefits – Approve Introduction of Ordinance No. 3684 – Direct Planning Staff to Conduct Research of Further Modifications to Chapter 234 (450.20)

Applicant: City of Huntington Beach

Request: **ZTA:** To amend Chapter 234 Mobilehome Park Conversions of the Huntington Beach Zoning and Subdivision Ordinance related to relocation benefits for mobilehome owners when a mobilehome park is converted.

Location: Citywide.

Environmental Status: Notice is hereby given that this agenda item, Zoning Text Amendment No. 01-03 is categorically exempt from the provisions of the California Environmental Quality Act.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Friday, October 1, 2004.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at (714) 536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

1. ~~After City Clerk reads by title, approve for introduction by roll call vote, **Ordinance No. 3684 – “An Ordinance of the City of Huntington Beach Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance Pertaining to Mobilehome Park Conversions,” (ATTACHMENT NO. 1) and Zoning Text Amendment No. 01-03 with Findings for Approval (ATTACHMENT NO. 3);**~~

and

2. ~~Direct Planning staff to conduct additional research of further modifications to Chapter 234.~~

City Attorney Jennifer McGrath presented oral report. Council voiced concerns regarding fair market value, 20 mile radius, additional compensation, difficulty in moving mobile homes, pro rated provision, property tax and defensibility of ordinance.

Speakers spoke in opposition to the recommended action stating that attorneys on behalf of the mobile home owners should have an opportunity to review the proposed ordinance.

Speakers spoke on record in strong opposition to proposed ordinance, citing state laws and requirements.

Speak spoke in opposition to proposed ordinance stating his opinion that this would put an undue burden on the mobile home property owners and violate their property rights.

Speaker presented a recommendation regarding reasonable costs of relocation for proposed Ordinance Section 234.08A.

Speaker spoke regarding the need to update the current code.

Motion as amended to direct City Attorney to add to ordinance the Windsor conversion relocation cost language.

Approved 5 – 1 (Green – No)

Motion as amended to delete language 234.08 section C – additional compensation.

Approved 6 – 0

Motion as amended to reopen closed Public Hearing and continue open to October 18, 2004.

Approved 6 – 0

D-3. (City Council) Opened and Continued Open from 9/20/04 - Public Hearing to Consider Approval of Zoning Text Amendment No. 03-02 (City Wide Entitlement Permit Streamlining Project - Phase II) by Amending 15 Chapters of the Huntington Beach Zoning and Subdivision Code and Various Sections of the Downtown Specific Plan SP-5 – Approve Introduction of Ordinance Nos. 3668A or B and 3669 through 3682, Inclusive (450.20)

Applicant: City of Huntington Beach

Request: To amend 15 chapters of the Huntington Beach Zoning and Subdivision Ordinance, codify policies and clarify certain sections of existing codes and amend various sections of the Downtown Specific Plan SP 5. The proposed amendments are intended to reduce the overall number of discretionary entitlement applications by allowing the use by right or having a lower level discretionary body review the entitlement.

Location: Citywide

Environmental Status: This Agenda Item is categorically exempt from the provisions of the California Environmental Quality Act.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on (Thursday before meeting) September 16, 2004.

All interested persons are invited to attend said meeting and express opinions or submit evidence for or against the application as outlined above. If there are any further questions please call the Planning Department at 536-5271 and refer to the above item. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

Approve Zoning Text Amendment No. 03-02 with findings for approval (Attachment No. 3) and after the City Clerk reads by titles, approve for introduction the following ordinances (**Attachment No. 1**).

Planning Commission Recommendation Ordinance No. 3668A (Attachment No. 1)

OR Staff Recommendation Ordinance No. 3668B (Attachment No. 2) – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHAPTER 203 - DEFINITIONS AND CHAPTER 241 - CONDITIONAL USE PERMITS;” and

Ordinance No. 3669 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 204 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED USE CLASSIFICATIONS;” and

(Continued on the Next Page)

Ordinance No. 3670 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 210 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED RESIDENTIAL DISTRICTS;”

Ordinance No. 3671 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED COMMERCIAL DISTRICTS;” **and**

Ordinance No. 3672 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 212 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED INDUSTRIAL DISTRICTS;” **and**

Ordinance No. 3673 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 214 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED PS PUBLIC-SEMIPUBLIC DISTRICTS;” **and**

Ordinance No. 3674 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 220 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED OIL PRODUCTION OVERLAY DISTRICT;” **and**

Ordinance No. 3675 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 222 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED FP FLOODPLAIN OVERLAY DISTRICT;” **and**

Ordinance No. 3676– “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 230 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED SITE STANDARDS;” **and**

Ordinance No. 3677 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 231 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED OFF-STREET PARKING AND LOADING PROVISIONS;” **and**

Ordinance No. 3678 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 233 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED SIGNS;” **and**

Ordinance No. 3679 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 236 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED NONCONFORMING USES AND STRUCTURES;” **and**

Ordinance No. 3680 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 244 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED DESIGN REVIEW;” **and**

Ordinance No. 3681 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 250 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED GENERAL PROVISIONS;” **and**

Ordinance No. 3682 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE DOWNTOWN SPECIFIC PLAN OF THE CITY OF HUNTINGTON BEACH.”

Continued open to October 18, 2004

Approved 5-0-1 (Sullivan out of room)

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council/Redevelopment Agency) Minutes** (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of August 16, 2004 and Adjourned Meetings of August 23, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved 5 – 0 – 1 (Hardy abstained on August 23, 2004 minutes, Sullivan out of room)
- E-2. (City Council) Adopt Resolution No. 2004-83 Approving the Submittal to the Orange County Transportation Authority (OCTA) of Two Landscape Enhancement Projects under the Transportation Enhancement Activity (TEA) Program: (1.) Brookhurst Street Frontage (Kamuella Drive to Cutty Sark Drive) and (2.) Main Street Median (Huntington Street to Delaware Street)** (340.70) – Adopt **Resolution No. 2004-83**– “A Resolution of the City Council of the City of Huntington Beach Authorizing Application for Funds for the Transportation Enhancement Activity (TEA) Program under the 1998 Transportation Equity Act for the 21st Century for Brookhurst Street Frontage Landscape Improvement Project and the Main Street Median Landscape Improvement Project.” Submitted by the Public Works Director. Funding Source: Funding is not required for the resolution. Should the projects be awarded, Measure M funds of approximately \$182,500.00 are available and will be required to provide the minimum 25% match. An incremental increase in General Fund annual maintenance costs would be required to maintain these enhancements and will be identified by a Maintenance Impact Statement Per Administrative Regulation (AR) 310 prior to project construction.
Adopted 5 – 0 – 1 (Sullivan out of room)
- E-3. City Council) Approve Amendment No. 9 to Cooperative Agreement No. C-95-975 between the City and the Orange County Transportation Authority (OCTA) for Roadway Improvements through the Combined Transportation Funding Program (CTFP)** (600.25) – Approve and authorize the Mayor and City Clerk to execute *Amendment No. 9 to Cooperative Agreement No. C-95-975 between the Orange County Transportation Authority and the City of Huntington Beach.* Submitted by the Public Works Director. Funding Source: None required. Over the next five fiscal years, street improvement grants totaling up to \$5.9 million have been awarded to the City.
Approved 5 – 0 – 1 (Sullivan out of room)

- E-4. **(City Council) Approve Amendment No. 2 Authorizing Execution of a One-Year Extension to the Professional Services Contract between the City and The Ferguson Group, LLC to Assist in Acquisition of Federal Funding for Priority Projects within the City and Related Legislative Issues** (600.10) – Authorize the Mayor and City Clerk to execute *Amendment No. 2 to Agreement between the City of Huntington Beach and the Ferguson Group LLC* for the purpose of assisting the City in the acquisition of Federal funds for priority projects within the City. Submitted by the City Administrator. Funding Source: Funds for the Contract have been budgeted in the 2004-05 fiscal year budget under General Fund Intergovernmental Relations Professional Services Account #10030201.69365. The total cost for this contract amendment is not to exceed \$79,800.00 for the year. (At the City Council meeting of September 7, 2004 the Council approved renewing the contract with The Ferguson Group, LLC for an additional year. This action is simply to authorize the Mayor to execute the contract.)
Approved 5 – 0 – 1 (Sullivan out of room)
- E-5. **(City Council) Approve Amendment No. 2 Authorizing Execution of a One-Year Extension of the Professional Services Contract between the City and Advocation, Inc. to Assist in Acquisition of State Funding for Priority Projects within the City and Related Legislative Issues** (600.10) – Authorize the Mayor and City Clerk to execute *Amendment No. 2 to Agreement between the City of Huntington Beach and Advocation, Inc.* for professional services related to the acquisition of state funds for priority projects and related legislative issues. Submitted by the City Administrator. Funding Source: Funds for the Contract have been budgeted in the 2004-05 fiscal year budget under General Fund Intergovernmental Relations Professional Services Account #10030201.69365. The total cost for this contract amendment is not to exceed \$64,000.00 for the year. (At the City Council meeting of September 7, 2004 the Council approved renewing the contract with Advocation, Inc. for an additional year. This action is simply to authorize the Mayor to execute the contract.)
Approved 5 – 0 – 1 (Sullivan out of room)
- E-6. **(City Council) Approve Professional Services Contract Between the City and Renee Mayne for Chief Negotiator Services for Labor Contract Negotiations – HBFA (Huntington Beach Fire Association), HBMEA (Huntington Beach Municipal Employees' Association), and HBPOA (Huntington Beach Police Officers' Association)** (600.10) – Approve and authorize the execution by the Mayor and City Clerk of the *Professional Services Contract Between the City of Huntington Beach and Renee Mayne for Chief Negotiator Services for Labor Contract Negotiations*. Submitted by the Administrative Services Director. Funding Source: Funding is available in the Human Resources Professional Service Account 10035303.
Approved 5 – 0 – 1 (Sullivan out of room)

*Revised Page to add Item F-2***F. Administrative Items****F-1. (City Council) Adopt Resolution of Necessity No. 2004-84 Approving the Acquisition of a Portion of Certain Real Property Located at 8101 Ellis Avenue, Assessor's Parcel No. 157-343-18, by Eminent Domain to Acquire Right-of-Way for the Ellis Avenue Widening Project; CC-891 (650.50)**

Five
Affirmative
Votes are
Required
for
Adoption
of this
Resolution
per CA
Civil Code
§1245.240

Communication from the Administrative Director and the Public Works Director transmitting the following **Statement of Issue:** This resolution will authorize the City's use of its eminent domain power to acquire right-of-way for the Ellis Avenue Widening Project; CC-891.

Recommended Action: Motion to:

Adopt **Resolution No. 2004-84** – “A Resolution of Necessity of the City Council of the City of Huntington Beach, California Approving the Acquisition of a Portion of Certain Real Property Located at 8101 Ellis Avenue, Assessor's Parcel No. 157-343-18, by Eminent Domain to Permit Street Widening.”

City Engineer Dave Webb gave a Power Point presentation.

Adopted 5 – 1 (Coerper – No)

F-2. (City Council) Consider Approval of Appeal Referred by the Planning Commission and Filed by Mayor Cathy Green on Behalf of Applicant, Verizon California, Inc. of the Planning Director's Denial of Design Review No. 04-18 (Fiber Optic Upgrade of Verizon's Telecommunications System) (.)

Communication from the Planning Director transmitting for Council consideration the referral by the Planning Commission of an appeal by Mayor Green of the Planning Director's denial of Design Review No. 04-18. The application represents a request by Verizon California, Inc. to review the design, colors, and materials for the installation of 235 pedestal mounted hubs to accommodate the fiber optic upgrade of Verizon's telecommunication systems.

Recommended Action: Motion to:

Approve Design Review No. 04-18 with Findings and Suggested Conditions for Approval (ATTACHMENT NO. 1).

Planning Director Howard Zelefsky gave oral report. Council discussed with staff and Mr. Tim McCallion the Verizon representative, concerns regarding the size and location of the boxes used to accommodate the fiber optic connections, future upgrades of the boxes based on improved technology, graffiti issue and option for a no fee license agreement.

Approved 4 – 2 (Boardman, Cook – No)

G. Ordinance**G-1. Ordinance for Adoption – Requires Six Affirmative Votes for Adoption****G-1a. (City Council) Do Not Adopt Emergency Interim Ordinance No. 3683 Imposing a 45-Day Moratorium on the Issuance of Building Permits for the Construction of Single Family, Low Density Three-Story Homes (440.70)**

Six
Affirmative
Votes are
Required
for
Adoption
of this
Interim
Ordinance
per Gov'.
Code
§65858

Communication from the City Attorney and the Planning Director transmitting that on September 7, 2004, the City Council requested the staff to return with an interim ordinance that would impose a 45-day moratorium on construction of three-story, single family homes. In order to adopt the ordinance and impose the moratorium, the City Council must find that the issuance of building permits for construction of three-story single family homes or remodel of homes to add a third story presents a current and immediate threat to the public health, safety, or welfare, and the approval of additional building permits for such homes would result in that threat to public health, safety, or welfare. **Ordinance No. 3683 – “An Interim Ordinance of the City of Huntington Beach Imposing a Moratorium on the Issuance of Building Permits for Construction of Single Family, Low Density Three-Story Homes.”**

Recommended Action:

~~Do not adopt Ordinance No. 3683.~~

Planning Director Howard Zelefsky gave oral report.

Amended motion to adopt ordinance Failed 5 – 1 (Green – No)

Motion amended to direct staff to review what the city has and the direction we going regarding height limits and specific plans.

Approved 6 – 0

G-2. Ordinances for Introduction - None**H. City Council/Redevelopment Agency Items****H-1a. Submitted by Mayor Cathy Green****(City Council) Continued from 9/20/04 - Select Appropriate Procedure to Appoint a City Council Member for the Unexpired Term (120.40)**

Communication from Mayor Cathy Green transmitting the following **Statement of Issue:** City Council Member Pam Houchen has resigned, effective September 2, 2004. Since the next regular election for City Council Members will not be held until November 2, 2004, a process needs to be approved regarding the appointment of a new City Council Member by the City Council to serve the remainder of the current unexpired term.

Recommended Action:

That the City Council determine the appropriate procedure to appoint a City Council Member for the remainder of the unexpired term.

Analysis:

In order to assure the most effective operation of the City Council Office, there is a need to appoint a City Council Member to carry on the respective duties of the elective office as identified in the Charter for the remainder of the current term, which expires on December 6, 2004.

I believe the City Council has two procedures to choose from:

Alternative 1: Conduct a short recruitment and interview process, and make a selection after interviewing several qualified candidates. This was the process used by the City Council to fill the vacancy following the last resignation of a City Council Member, and the vacancy following the resignation of the previous City Clerk.

Alternative 2: ~~Do not make an appointment, and call for a special election.~~
Council discussed alternatives with staff.

Motion amended to use Boards and Commissions application to be submitted to City Clerk's Office by noon on October 13, 2004 for council review at the October 18, 2004 meeting.

Approved 5 – 1 (Cook – No)

H-2a. Submitted by Council/Agency Member Gil Coerper

(City Council/Redevelopment Agency) Accept a Contribution of \$1,000.00 from the Downtown Business Association and Direct Staff to Proceed with the Replacement of the Majestic Beauty Trees with Queen Palm Trees in Downtown Main Street Utilizing Redevelopment Agency Funds (410.20)

Communication from City Council/Redevelopment Agency Member Gil Coerper transmitting the following **Statement of Issue:** On March 15, 2004, the City Council concurred with a number of advisory bodies that Queen Palms should be the replacement tree for the Majestic Beauty trees in the Downtown. As part of that action, rather than proceeding with the replacement of all of the trees using \$15,000 in available Redevelopment Agency funds, the Council requested that the Downtown merchants provide a match of half of the amount or \$7,500. To date, only a few of the trees have been replaced.

ANALYSIS:

At the Downtown Issues Economic Development Committee meeting on September 24, 2004, Steve Daniels reported that they had raised \$1,000 of the funds needed but had not been able to raise all of the funds given the focus on recent efforts to secure approval of the Downtown BID (Business Improvement District).

I believe it is appropriate for the City Council to reconsider its prior decision for a number of reasons:

- The existing Majestic Beauty trees, because of their height and size, encroach into the sidewalk area, creating my concern for safe passage of the numerous pedestrians in the downtown area;
- Replacement of the trees using redevelopment funds will assist the newly formed BID in getting started;
- The Council's action in forming the BID reduced the assessments from \$500 per year to \$250 for businesses occupying 1,000 or less square feet, which will deprive the BID of an estimated \$10,000 to \$20,000 of revenue in its first year of operation, a portion of which could have been used towards trees.

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Recommended Action: Motion to:

Accept a contribution of \$1,000 from the Downtown Business Association and direct staff to proceed with the replacement of the Majestic Beauty trees utilizing Redevelopment Agency funds.

Economic Development Director David Biggs gave oral report.

Motion failed 2 – 4 (Sullivan, Hardy, Boardman, Cook – No)

*Revised Page***Council Comments - (Not Agendized)**

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Friday, October 15, 2004, 2:00 p.m. to 5:00 p.m.

→ ***(Closed Session Item on Labor Relations – no reporting out anticipated)***; 2000 Main Street, Room B-8, Huntington Beach, California.

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**JOAN L. FLYNN, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

Internet: <http://www.surfcity-hb.org>